

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DANA H. SIZING,

Plaintiff,

v.

NOTICE OF REMOVAL

Civil Action No.5:21-cv-548 (MAD/ML)

ACUMEN DETECTION, LLC, an SRC COMPANY; SRC, INC.; TIMOTHY MOSHIER, Individually and as former President and Chief Strategic Officer of ACUMEN DETECTION, LLC, an SRC COMPANY; and CHARLES STORMON, Individually and as former President of ACUMEN DETECTION, LLC, an SRC COMPANY,

Defendants.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, Defendants Acumen Detection, LLC, SRC, Inc., Timothy Moshier, and Charles Stormon (“Defendants”) remove to this Court the state court action described in paragraph 1 below.

THE REMOVED CASE

1. The removed case is a civil action commenced by Summons and Complaint filed on or April 14, 2021, in the Supreme Court of the State of New York, County of Onondaga, having been assigned Index No. 003608/2021 and styled *Dana H. Sizing v. Acumen Detection, LLC, an SRC Company; SRC, Inc.; Timothy Moshier, Individually and as former President and Chief Strategic Officer of Acumen Detection, LLC, an SRC Company; and Charles Stormon, Individually and as former President of Acumen Detection, LLC, an SRC Company.*

PAPERS FROM REMOVED ACTION

2. As required by 28 U.S.C. § 1446(a), attached as **Exhibit A** are copies of the Summons and Complaint served upon Defendants in the removed case.

THE REMOVAL IS TIMELY

3. On or about April 14, 2021, Plaintiff filed a Summons and Complaint with the Onondaga County Clerk.

4. On April 15, 2021, Defendants were provided with a copy of the Summons and Complaint.

5. On May 7, 2021, Defendants were served with the Summons and Complaint.

6. The Notice of Removal is filed within 30 days of the date when Defendants were provided with a copy of the Summons with Notice and Complaint, and therefore, is timely under 28 U.S.C. § 1446(b).

THE VENUE REQUIREMENT IS MET

7. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

THIS COURT HAS JURISDICTION

8. The Complaint alleges, *inter alia*, claims for violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and the Age Discrimination in Employment Act ("ADEA") and thus arises under the laws of the United States.

9. Accordingly, this Court has original jurisdiction over the action pursuant to 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to 28 U.S.C. § 1441 without regard to citizenship of the parties or the amount in controversy.

FILING OF REMOVAL PAPERS

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action has been given simultaneously to Plaintiff's counsel and the other named Defendants, and a Notice to Clerk of Removal is simultaneously being filed with the Supreme Court of the County of Onondaga, State of New York. A true and correct copy of this Notice is attached hereto as **Exhibit B**.

WHEREFORE, Defendant hereby removes the above-captioned action from the Supreme Court of the County of Onondaga, State of New York, and requests that further proceedings be conducted in this Court, as provided by law.

Dated: May 12, 2021

BOND, SCHOENECK & KING, PLLC

By: 

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